

## **REMARKS**

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-2, 4-5, 7, 15-16, 24, and 52-55 are requested to be canceled without prejudice.

Claims 3, 9, 28, 35, 41 and 43 are currently being amended.

Claims 18-20, 29-31, and 51 no longer withdrawn and are respectfully requested to be reviewed in the context of the independent claims from which they depend.

After amending the claims as set forth above, Claims 3, 6, 8-14, 17-23, 25-51 and 56-61 are now pending in this application of which Claims 3, 9, 14, 28, 41, 44 are independent.

### **Advisory Action**

In Section 3 of the Examiner's Advisory Action of February 07, 2007, the Examiner indicated that the Applicant's claim amendments presented in their Reply of January 23, 2007 would not be entered because "they raise new issues" and were "not deemed to place the application in better form for appeal". In the continuation/notes of Section 3 it is unclear exactly why the Examiner believes that all the claim amendments present new issues. Claims 3, 9, 28, 35, 41 and 43 were/are amended with respect to the Examiner's Office Action of October 25, 2006 as further detailed below. No new issues are being presented.

In Section 13 of the Examiner's Advisory Action, the Examiner indicates that Claim 3 is indefinite because "it cannot be determined whether the Applicant intends to positively claim the combination of an entertainment system and a vehicle having a seat, or the subcombination of an entertainment system and a vehicle having a seat." As the preamble for Claim 3 recites, the Applicant intends to claim "An entertainment system for a vehicle". Neither of the Examiner's presented options adequately define the scope of the claims.

With respect to Claim 23, the recitation of "a seatback of the seat" in Claim 23 is the same as that which is recited in Claim 3.

### **Allowable Subject Matter**

The Applicant thanks Examiner for acknowledging the allowable subject matter in Claims 14 and 44. Moreover, Claim 9 has been amended to address the Examiner's concerns and is believed to be allowable. Likewise, Claims 56 and 57 which depend from Claim 9 are also believed to be allowable for at least the same reasons that Claim 9 is allowable.

### **Claim Rejections – 35 U.S.C. § 112**

On pages 2-3 of the Office Action mailed October 26, 2006, Claims 9, 35, 56 and 57 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Amended Claim 9 recites,

An entertainment system for a vehicle having a forward direction of travel, comprising:

    a display configured to display images to a passenger in the vehicle, the display configured to be mounted to a seat of the vehicle;

    wherein the display is configured to pivot with respect to the seat; and

    wherein the display is configured to pivot opposite the forward direction of travel against action of a spring member and configured to pivot in the forward direction of travel against action of a damper member, the damper member operating separately from the spring member;

    wherein the display is configured to be mounted in an upper region of a seatback of the seat. (underlining added for emphasis).

The Examiner states that it is unclear if Claim 9 intends to positively claim the combination of an entertainment system and a seat or the subcombination of a display for use with a seat. Amended Claim 9 recites an entertainment system with a display that is configured to be mounted in an upper region of a seatback of the seat. It is believed that the Examiner's concerns are fully addressed by this amendment to Claim 9 and its progeny (Claims 56-57). Accordingly, it is respectfully requested that the Examiner's rejection be withdrawn.

Additionally, the Examiner stated that Claim 35 includes vague terminology. Amended Claim 35 recites that "the display screen is pivotable in the forward direction of travel by generating a first torque, pivotable farther in the forward direction of travel by generating a second torque of greater force than the first torque and the display screen is pivotable opposite to the forward direction of travel." (underlining added for emphasis). It is believed that this amendment rectifies any "vagueness" previously existing in the claim terminology. Claims 34 and 35 are not amended in a limiting fashion and are only amended for clarity. Therefore, it is respectfully requested that the Examiner's rejection be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 102(b)**

On pages 3-8 of the Office Action mailed October 26, 2006, Claims 3, 6, 8-13, 16-17, 21-23, 25-28, and 32-43 were rejected as anticipated by one or more of Kanda (5,316,369), Shafer (1,178,107), and Sakurai (5,529,265).<sup>1</sup>

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<sup>1</sup> For a rejection to be proper under 35 U.S.C. § 102(b), every element and limitation found in the rejected claim must be found in the 102(b) reference. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, §14F.2d628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, MPEP §2131.

**A. Claims 3, 6, 8, 10-13, 16-17, 21-23, 25-27, 53 and 54**

On pages 3-5 of the Office Action, Claims 3, 6, 8, 10-13, 16-17, 21-23, 25-27, 53 and 54 were rejected as anticipated by Kanda (5,316,369). Amended Claim 3 recites,

An entertainment system for a vehicle having a forward direction of travel, comprising:  
a display configured to display images to a passenger in the vehicle, the display configured to be mounted to a seat of the vehicle;  
wherein the display is pivotable with respect to the seat; and  
wherein the display is configured to pivot opposite the forward direction of travel against action of a spring member, the spring member applying a return torque in the forward direction of travel;  
wherein the display is in an upper region of a seatback of the seat. (underlining added for emphasis).

Kanda does not disclose a “display [which] is in an upper region of a seatback of the seat.” Rather, Kanda teaches a display mountable in a lower region or area of the seat – an “armrest 1 [which] is provided with two adjoining cavities 2 under a cocktail tray 3 formed in the front portion of its upper wall to house the two television sets 4 each having a comparatively large plate-shaped liquid crystal display unit 5.” Column 3, lines 20-24. An armrest is clearly not “in an upper region of a seatback of the seat” as recited in Amended Claim 3. Each and every element recited in Claim 3 is not found in Kanda. Therefore, it is respectfully requested that the rejection of Claim 3 and its progeny be withdrawn.

Claim 13 is allowable for at least the reasons that Claim 3 is allowable. Moreover, there is no teaching in Kanda that “the first torque is about an amount of force equal to acceleration forces produced by a rear collision” as recited in Claim 13. Kanda does disclose “an elastic member 29, such as a spring, extended between the wall of the cavity 2 and the swing member 28 so as to urge the roller 28c toward the opening of the cavity 2.” Column 5, lines 53-56. There is no disclosure regarding “an amount of force [about or otherwise] equal to acceleration forces produced by a rear collision” as recited in Claim 13. Therefore the rejection of Claim 13 should be withdrawn. Claim 13 is not indefinitely broad as the Examiner states. To the extent that

Claim 13 is “indefinitely broad” a reference teaching the claimed limitation is still necessary for an appropriate rejection under § 102(b). Since the Examiner has not provided this, the rejection is respectfully requested to be withdrawn.

**B. Claims 41-43, 45-48, 50 and 58-61**

On page 5 of the Office Action mailed October 26, 2006, the Examiner rejected Claims 41-43, 45-48 and 58-61 under 35 U.S.C. § 102(b) as being anticipated by Kanda. Independent Claim 41 has been amended in a similar fashion to Claim 3. Therefore, Amended Claim 41 and its progeny are allowable for at least the reasons articulated with regard to Claim 3.

**C. Claims 28, 32-40, 41-43, 46, 45-50 and 58-61**

On page 5 of the Office Action mailed October 26, 2006, Claims 28 and 32-40 were rejected as anticipated by Shafer (1178107). Amended Claim 28 recites, “a display screen.... wherein the display screen is an electronic display screen.” (underlining added for emphasis). The Shafer reference does not teach an electronic display screen, rather it teaches “a card holder 4 which may be of any suitable or desired construction in which a plurality of cards C may be mounted with their advertising faces disposed outwardly... .” Page 1, lines 63-68. Since the Shafer reference fails to teach every element and limitation as recited in Claim 28 (and its progeny) it is respectfully requested that the rejection be withdrawn.

On page 6 of the Office Action, the Examiner rejected Claims 41-43, 45-50, and 58-61 under 35 U.S.C. § 102(b) as being anticipated by Shafer (1178107). Independent Claim 41 has been amended in a similar fashion to Claim 28. Therefore, Amended Claim 41 and its progeny are allowable for at least the reasons articulated with regards to Claim 28.

**D. Claims 41-43, 46, 48-50 and 58-61**

On page 8 the Office Action mailed October 26, 2006, the Examiner rejected Claims 41-43, 46, 48-50 and 58-61 under 35 U.S.C. § 102(b) as being anticipated by Sakurai (5529265). Claim 41 (as amended) recites, “the display screen is pivotable in the forward direction of travel by generating a first torque and pivoted farther in the forward direction of travel by generating a second torque of greater force than the first torque”. Again, Sakurai does not teach a display screen that is pivotable in the forward direction of travel by generating a first torque and pivoted farther in the forward direction of travel by generating a second torque of greater force than the first torque. The Examiner uses impermissible hindsight based upon the Applicant’s disclosure – “Clearly a rotational force provided to the screen is provided by a first torque. A second rotational force provided to the screen will clearly provide further torque. It is clear that this torque can be of a greater force than the first torque.” (underlining added for emphasis). The Applicant respectfully traverses the Examiner’s conclusion and respectfully submits that it is not clear that the second torque is of a greater force than the first torque, for example, from the teachings presented in the Sakurai reference nor in any of the other references provided by the Examiner. For a rejection to be proper under § 102(b) each and every element must be present in the prior art reference. Therefore, it is respectfully requested that the rejection be withdrawn.

**Conclusion**

The Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

June 18, 2007

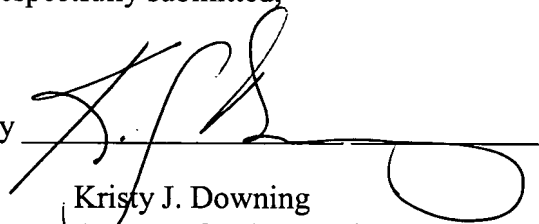
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